

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

Indict. # 14 cr. 799 (RA)

AFFIRMATION

VIRGIL FLAVIU GEORGESCU

Defendant.

Albert Y. Dayan, being an attorney admitted to practice in the State of New York and before this Court, affirms and says:

1. I am the attorney for Virgil Flaviu Georgescu and I make this affirmation in support of his motion for dismissal of Count One of the indictment and discovery.
2. With respect to the discovery, I am informed by defendant that at a time during the DEA's "sting" operation he was in communication with the CIA. Specifically, when Mr. Georgescu was contacted by one Andrew with offers of the proposed arms deal at subject here, Mr. Flavious had immediately contacted the CIA. Mr. Flavious identified himself, provided his social security number, informed the CIA about the offer and offered himself to be a proactive cooperator for the CIA in the proposed arms deal.

I am informed by the Defendant, that the CIA responded that they needed physical evidence from the Defendant for them to engage into an investigation. From there on, I am informed by Mr. Flavious, everything he said and did in furtherance of the proposed arms deal was in an attempt to gather physical evidence for the CIA to initiate an investigation with Mr. Flavious as its forefront. At the instance when the contract for the proposed arms deal was executed by the parties, instead of delivering the same to the CIA for evidence as he hoped he would, Mr. Flavious was arrested by the DEA. Upon his arrest, he immediately notified the DEA agents of his underlying intent to cooperate with US authorities on the proposed arms deal and in fact he continued to cooperate with US authorities in making a DEA supervised controlled phone call that proved to be significant in the present case. Moreover, the present sting operation would not have been the only time when Mr. Georgescu had assisted United States in a major criminal investigation.

3. It is therefore requested that all documentation and other information concerning such communication with the CIA and Mr. Georgescu's prior pro active cooperation with the FBI office in Vegas, Nevada be turned over to the defense at this time.

4. All other factual statements in the Memorandum are based on a

reading of the Indictment.

Wherefore, it is respectfully requested that the relief sought herein be granted in all respects.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Albert Y. Dayan".

Albert Y. Dayan